

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RICK CARDARELLI,)	
)	
Plaintiff,)	
v.)	No. 3:06-0313
)	JUDGE ECHOLS
CURB RECORDS, INC., et al.,)	
)	
Defendants.)	

ORDER

In accordance with the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Defendant Curb Records Inc.'s Motion to Strike Statements in the Declarations of Keith Greer and Rick Cardarelli and the Affidavit of Vic Alexander (Docket Entry No. 46) is hereby DENIED.

(2) Defendant Curb Records Inc.'s Motion for Leave to File Reply Brief and Declaration in Further Support of Its Motion to Strike (Docket Entry No. 49) is hereby DENIED.

(3) Plaintiff's Request for a Hearing (Docket Entry No. 50) on Defendant's Motion for Leave to File Reply Brief and Declaration in Further Support of Its Motion to Strike is hereby DENIED.

(4) Defendant Curb Records Inc.'s Motion for Summary Judgment (Docket Entry No. 30) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED in that Plaintiff agrees Defendants are entitled to summary judgment on the disability discrimination claim brought under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12112 *et seq.* The Motion is DENIED on Plaintiff's age discrimination claim brought under the Age Discrimination In

Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.*, because genuine issues of material fact remain for trial.

(5) This case will proceed to Final Pretrial Conference on **April 16, 2007, at 1:30 p.m.** and to **jury trial on May 15, 2007, at 9:00 a.m.**, as previously scheduled.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE